

No. 11(112)-80-8Lab/13613.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Santosh & Associates Ltd., Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 1 of 1980

between

THE WORKMEN AND THE MANAGEMENT OF M/S SANTOSH & ASSOCIATES, NIT
FARIDABAD

Present.—

Shri C. L. Oberoi, for the workman.
Shri D. C. Bhardwaj for the management.

AWARD

By order No. ID/FD/76-79/58160, dated 27th December, 1979, the Governor of Haryana referred the following disputes between the management of M/s Santosh & Associates, Nit, Faridabad and its workman, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the workmen are entitled to the grant of bonus for the year 1978-79 ? If so, at what rate and what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 1st August, 1980 and the case was fixed for the evidence of the workmen. In the date fixed the representative for the workmen Shri C.L. Oberoi withdrew from the proceedings and then notice was sent to the workmen. The process server made a report that the factory is lying closed. It seems that the workmen are not interested in pursuing their case.

Therefore, I give my award that the workmen are not interested in pursuing their case and there is no dispute now pending for adjudication.

Dated the 10th December, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal Haryana, Faridabad.

No. 1151, dated 11th December, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

The 2nd January, 1981

No. 11(112)-80/8Lab/13410.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Saraswati Ceramics and Refractories Pvt. Ltd., Plot No. 105, Sector 25.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 338 of 1980

between

SHRI BALJORE, WORKMAN AND THE MANAGEMENT OF M/S. SARSWATI CERAMICS
AND REFRACTORIES PRIVATE LTD., PLOT NO. 105, SECTOR 25, FARIDABAD

Present.—

Shri Sunehari Lal, for the workman.
None for the respondent management.

AWARD

This reference No. 338 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana, vide his order No. ID/FD/52-80/39816, dated the 4th August, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Baljore, workman and the management of M/S. Saraswati Ceramics and Refractories, Private Ltd., Plot No. 105, Sector 25, Faridabad. The term of the reference was:—

Whether the termination of service of Shri Baljore was justified and in order ? if not, to what relief is he entitled ?

After receiving this reference notices were issued to both the parties who appeared before me, but on 3rd November, 1980 none was present from the side of the management. On the previous date of hearing Shri D. D. Aggarwal was appeared on behalf of the respondent management. I waited up to 1.30 p. m. for the presence of the respondent management or its representative, but none came up and I proceeded *ex parte* against the management and the case was fixed for *ex parte* evidence of the workman for 10th November, 1980.

On 10th November, 1980 *ex parte* evidence of the workman was recorded. It was stated that he was working with the respondent Company from 3rd March, 1974 as a Fixi at Rs. 265 per mensem. The workman stated that he was permanent employee of the respondent managements. He along with other employees served a general demand notice on the management. On which two settlements were arrived at between the parties, which are Exhibit W-1 and W-2. The workman further stated that he was an active member of the union so he became eye sore of the management. On this solitary ground the management respondent terminated the services of the workman along with others on 1st February, 1980. Then the workman raised an demand before the Conciliation Officer on which a settlement was arrived at between the parties on 5th March, 1980. The copy of which is Exhibit W-3. After that the management stopped him for resuming his duty. On which he made a complaint to the Conciliation Officer, copy of which is Exhibit W-4. On 13th March, 1980 the management lodged a complaint of theft in the Police Station and the police gave him and others beatings and under the pressure of police the workman signed some papers the management wanted to get signed. Against this they made a complaint to the concerned authorities, copy of which is Exhibit W-5 and postal receipt is Exhibit W-6. The management terminated the service of the workman illegally and arbitrarily. He further stated that he was unemployed till now and prayed that he be reinstated with full back wages and continuity of service.

Keeping in view the circumstances of the case, I see no reason why the unrebutted *ex parte* statement of the workman given on oath should not be belied especially when the management chose not to appear and defend this reference before this Court. So I believing the statement of the workman, hold that the termination of the services of the workman was not justified, improper and not in order. He is entitled to be reinstated with full back wages and continuity of service.

This be read in answer to this reference. No order as to costs.

Dated the 30th November, 1980.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 2242, dated the 3rd December, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-8Lab/13411.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Saraswati Ceramics and Refractories Pvt. Ltd., Plot No. 105, Sector 25, Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 339 of 1980

between

SHRI RAM SUNDER, WORKMAN AND THE MANAGEMENT OF M/S. SARSWATI CERAMICS AND REFRACTORIES PRIVATE LIMITED, PLOT NO. 105, SECTOR 25, FARIDABAD

Present, —

Shri Sunehari Lal, for the workman.
None, for the respondent management.

AWARD

This reference No. 339 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/52-80/, dated 4th August, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Ram Sunder, workman and the management of M/s. Sarswati Ceramics and Refractories, Private Ltd., Plot No. 105, Sector 25, Faridabad. The term of the reference was :—

Whether the termination of service of Shri Ram Sunder was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference notices were issued to both the parties who appeared before me, but on 3rd November, 1980 none was present from the side of the management. On the previous date of hearing Shri D. D. Aggarwal was appeared on behalf of the respondent management. I waited up to 1.30 p.m. for the presence of the respondent management or its representative, but none came up and I proceeded *ex parte* against the management and the case was fixed for *ex parte* evidence of the workman for 10th November, 1980.

On 10th November, 1980 *ex parte* evidence of the workman was recorded. It was stated that he was working with the respondent company from 1st June, 1974 as a Fireman at Rs. 265 per mensem. The workman stated that he was permanent employee of the respondent management. He along with other employees served a general demand notice on the management. On which two settlements were arrived at between the parties, which are Exhibit W-1 and W-2. The workman further stated that he was an active member of the union so he became eye sore of the management. On this solitary ground the management respondent terminated the services of the workman along with others on 1st February, 1980. Then the workman raised a demand before the Conciliation Officer on which a settlement as arrived at between the parties on 5th March, 1980. The copy of which is Exhibit W-3. After that the management stopped him for resuming his duty. On which he made a complaint to the Conciliation Officer, copy of which is Exhibit W-4. On 13th March, 1980 the management lodged a complaint of theft in the Police Station and the police gave him and others beatings and under the pressure of police the workman signed some papers the management wanted to get signed. Against this they made a complaint to the concerned authorities, copy of which is Exhibit W-5 and postal receipt is Exhibit W-6. The management terminated the service of the workman illegally and arbitrarily. He further stated that he was unemployed till now and prayed that he be reinstated with full back wages and continuity of service.

Keeping in view the circumstances of the case, I see no reason why the un-rebutted *ex parte* statement of the workman given on oath should not be belied especially when the management chose not to appear and defend this reference before this Court. So I believing the statement of the workman, hold that the termination of the services of the workman was not justified, improper and not in order. He is entitled to be reinstated with full back wages and continuity of service.

This be read in answer to this reference. No order as to costs.

ISHWAR PRASAD CHAUDHRY,

Dated the 30th November, 1980.

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 2243, dated 2nd December, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

ISHWAR PRASAD CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.